IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Notice of Motion No.2013 of 2001
In
Appeal No.745 of 2001

AND

Notice of Motion No.2014 of 2001
In
Appeal No.747 of 2001

AND

Notice of Motion No.2015 of 2001
In
Appeal No.748 of 2001

M/s.Kiran Construction Co. .. .. Applicants
v/s.
Jagannath Sowar Vaity & ors. .. Respondents

Mr.U.J.Makhija i/by M/s.Mulla & Mulla for applicants.

Mr.Ranjit Bhonsale i/by S.V.Mhatre for res.Nos.1 to 4C & 17.

Mr.P.N.Mody with Mr.Janardhan for res.Nos.13A to 13E & 14.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 21st December 2005

P.C. :

1. Heard Mr.Mody in support of the praecipe which has been filed on behalf of respondent Nos.13A to 13C and 14 for speaking to the minutes of the order dated 5th September 2001 passed in the aforesaid three Notices of Motion. The order was passed by a Division Bench of A.P.Shah and

S.A.Bobde. Since Justice Shah has been transferred as Chief Justice of Madras High Court and Justice Bobde is presently sitting in Nagpur, the praecipe is assigned to this Bench.

2. Mr.Mody appearing for respondent Nos.13A to 13E and 14 submits that there is a need for clarification of this order which made the above three Motions absolute in terms of prayer clauses (a) and (c) inasmuch as Survey No.91 has been wrongly included in these prayer clauses. Mr.Makhija appearing for the applicants has no objection to the necessary clarification.

3. In the circumstances, we clarify that the order dated 5th September 2001 will not apply to Survey No.91. With this clarification, the praecipe filed is disposed of.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)